



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,625	12/11/2003	Valerie M. Bennett	RSW920030295US1	2663
43168	7590	03/06/2009	EXAMINER	
MARCIA L. DOUBET LAW FIRM PO BOX 422859 KISSIMMEE, FL 34742				ENGLAND, DAVID E
ART UNIT		PAPER NUMBER		
2443				
			NOTIFICATION DATE	DELIVERY MODE
			03/06/2009	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mld@mindspring.com

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/733,625	BENNETT ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	DAVID E. ENGLAND	2443

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 08 October 2008.
- 2a) This action is **FINAL**.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1, 3, 4, 6 and 13 – 19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1, 3, 4, 6 and 13 – 19 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>01/02/2009, 09/28/2008, 07/10/2008</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|   | 6) <input type="checkbox"/> Other: _____.                         |



## **DETAILED ACTION**

1. Claims 1, 3, 4, 6 and 13 – 19 are presented for examination.

### ***Response to Arguments***

2. Applicant's arguments, see Pre-Brief Conference request, filed 10/08/2008, with respect to the rejection(s) of claim(s) 1, 3, 4, 6 and 13 – 19 under 102(c) and 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Sorvari et al.  
2004/0043758.

### ***Information Disclosure Statement***

3. The submission is in compliance with the provisions of 37 CFR 1.97 of the information disclosure statement (IDS) submitted on 01/02/2009, 09/28/2008, 07/10/2008. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 3, 4, 13 and 15 – 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Sorvari et al., (2004/0043758 hereinafter Sorvari).
6. Referencing claim 1, as closely interpreted by the Examiner, Sorvari teaches computer-implemented method of enabling users to subscribe to content in a computing environment, comprising:
  7. identifying a content access behavior pattern of a user, (e.g., ¶ 0054, 0055, 0059 & 0167-0168);
  8. responsive to the identifying, consulting a mapping to determine a candidate content subscription to be offered to users exhibiting the identified behavior pattern, the candidate content subscription indicating at least one portion of content generated by a content source, (e.g., ¶ 0061 – 0067, 0073-0078);
  9. generating a markup language document representing the determined candidate content subscription, (e.g., ¶ 0166 – 0173 & Figures 10 – 11H);
  10. offering, to the user, a subscription to the candidate content subscription using a graphical user interface constructed using the first markup language document, (e.g., ¶ 0166 – 0173, 0179-0181 & Figures 9A – 11H);
  11. responsive to acceptance of the offered subscription by the user, storing the markup language document as a trigger associated with the user and the content, (e.g., ¶ 0166 – 0173, 0179-0181 & Figures 9A – 11H); and
  12. subsequently evaluating the content generated by the content source using the trigger, to determine whether any of the at least one portion of the content is considered a match to the

trigger and if so, automatically sending each matching portion of the content to the user as the subscription, (e.g., ¶ 0011, 0062, 0086-0088, 0123.).

13. Referencing claim 3, as closely interpreted by the Examiner, Sorvari teaches enabling the user to customize the offered subscription from the graphical user interface prior to acceptance of the offered subscription, such that at least one condition is placed on at least one of the at least one portion of the content, (e.g., ¶ 0181 – 0186); and

14. revising the markup language document to include each of the at least one condition prior to the storing, (e.g., ¶ 0181 – 0186).

15. Referencing claim 4, as closely interpreted by the Examiner, Sorvari teaches wherein the subsequently evaluated further comprises determining whether each of the at least one condition is considered a match to the trigger and only sending the matching portion of the content if so, (e.g., ¶ 0181 – 0186).

16. As per claim 13, as closely interpreted by the Examiner, Sorvari teaches the subsequently evaluated content comprises a then-current version of the content generated by the content source, (e.g., ¶ 0194 – 0197 et seq.).

17. As per claim 15, as closely interpreted by the Examiner, Sorvari teaches the subsequently evaluating is invoked responsive to occurrence of an event, (e.g., ¶ 0194 – 0197 et seq.).

18. As per claim 16, as closely interpreted by the Examiner, Sorvari teaches the identifying is performed by an inference engine, (e.g., ¶ 0091).

19. As per claim 17, as closely interpreted by the Examiner, Sorvari teaches identifying comprises determining whether the user exhibits any of the plurality of predetermined content access behavior patterns, (e.g., ¶ 0061 – 0067, 0073-0078).

20. As per claim 18, as closely interpreted by the Examiner, Sorvari teaches the content is rendered on a web page and the identifying comprises identifying how the user interacts with the Web page, (e.g., ¶ 0190).

21. As per claim 19, as closely interpreted by the Examiner, Sorvari teaches the Web page lacks a subscription interface for enabling the user to subscribe to the rendered content, (e.g., ¶ 0055, Sorvari teaches displaying a normal web page that does not contain a type of subscription interface which if one were to take a subscription interface away from a web page then it would be a normal web page from a provider not altered by the invention.).

***Claim Rejections - 35 USC § 103***

22. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

23. Claims 6 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sorvari in view of Shaffer et al. (6094681 hereinafter Shaffer).

24. Referencing claim 6, as closely interpreted by the Examiner, Sorvari teaches the use of calendar information, (e.g., ¶ 0308), but does not specifically teach the subsequently evaluating further comprises scheduling time of the user when any of the at least one portion of the content is considered a match to the trigger.

25. Shaffer teaches the subsequently evaluating further comprises scheduling time of the user when any of the at least one portion of the content is considered a match to the trigger.

26. , (e.g., col. 4, lines 10 – 39). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Shaffer with Sorvari because utilizing a user calendar to have information sent to the user enables the user to dictate when they would receive information and not have information sent every time a match is made from the trigger. This would also lessen the amount of network traffic in the system.

27. As closely interpreted by the Examiner, claim 14 is rejected for similar reasons as claim 6 since it can be interpreted that the calendar could be considered a timer of sorts and therefore the motivation also applies.

***Conclusion***

28. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID E. ENGLAND whose telephone number is (571)272-3912. The examiner can normally be reached on Mon-Thur, 7:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tonia Dollinger can be reached on 571-272-4170. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

David E. England  
Examiner  
Art Unit 2443

/David E. England/  
Examiner, Art Unit 2443

/Tonia LM Dollinger/  
Supervisory Patent Examiner, Art Unit 2443